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8 Attorneys for Plaintiffs
9 HYOSUNG (AMERICA), INC. and
NAUTILUS HYOSUNG INC.

UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
OAKLAND DIVISION

HYOSUNG (AMERICA), INC. and
NAUTILUS HYOSUNG INC.

Plaintiffs,

v.

HANTLE USA, INC.

Defendant.

Case No. CV-10-2160- SBA

**STIPULATION AND ORDER FOR
THE FILING OF SECOND
AMENDED COMPLAINT**

Judge: Hon. Saundra B. Armstrong

WHEREAS, by Order of March 4, 2011 (Doc. No. 47), the Court directed that the parties meet and confer in an effort to reach an agreement concerning the filing of Plaintiffs' proposed Second Amended Complaint and file, by March 14, 2011, either a stipulation and proposed order for the filing of a Second Amended Complaint, or alternatively, a motion for leave to file a Second Amended Complaint in the event the parties are unable to enter into such a stipulation;

25 WHEREAS, on March 11, 2011, the parties submitted a stipulated request to extend this
26 deadline until March 21, 2011 (Doc. No. 49);

WHEREAS, Plaintiffs previously provided Defendant with a proposed Second Amended Complaint, which adds several new defendants, including Genmega, Inc. and two individuals;

WHEREAS, Defendant previously stated that it would not oppose filing of the Second Amended Complaint in the form previously provided to it by Plaintiffs if the motion to dismiss was denied, subject to resolution of certain privilege issues raised by Defendant;

WHEREAS, Defendant provided Plaintiffs on March 10, 2011, with a privilege log listing documents that were previously produced to the Trustee in the bankruptcy case filed by Tranax Technologies, Inc., which Defendant contends are subject to a privilege claim;

WHEREAS, Plaintiffs have represented that the Second Amended Complaint does not rely on or refer to any of the documents listed in Defendant's privilege log;

WHEREAS, in view of Plaintiffs' representation, Defendant does not oppose the filing of the Second Amended Complaint in the form attached hereto as Exhibit A, but reserves all rights to challenge the sufficiency of the pleadings and the merits of the claims, and all other rights;

NOW THEREFORE, IT IS HEREBY STIPULATED and agreed to by and between the parties, pursuant to Local Rule 7-12 and subject to the Court's approval, that Plaintiff may file the Second Amended Complaint in the form attached hereto as Exhibit A.

In addition to stipulating to the above, I, Grant L. Kim, attest that concurrence in the filing of this Stipulation has been obtained from Matthew Poppe, Counsel for Defendant.

Dated: March 15, 2011

ADAM A. LEWIS
GRANT L. KIM
ALISON M. TUCHER
BARBARA N. BARATH
MORRISON & FOERSTER LLP

By: /s/ Grant L. Kim /s/
Grant L. Kim

Attorneys for Plaintiffs
HYOSUNG (AMERICA), INC.
NAUTILUS HYOSUNG, INC.

1 Dated: March 15, 2011

ROBERT E. FREITAS
MATTHEW H. POPPE
KRISTIN S. CORNUELLE
JACOB A. SNOW
ORRICK, HERRINGTON & SUTCLIFFE
LLP

4 By: /s/ Matthew H. Poppe /s/ [as authorized]
5 Matthew H. Poppe

6 Attorneys for Defendant
7 HANTLE, INC. [formerly Hantle USA,
Inc.]

8

9 **Order**

10 PURSUANT TO STIPULATION, IT IS SO ORDERED.

11 Dated: 3/17/11

12 By: 
U.S. District Court Judge

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